

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.54891 of 2019 (O&M)
DATE OF DECISION : 20th DECEMBER, 2019

Rishi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Saurabh Kapoor, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.47 dated 22.03.2017 registered under Sections 279, 337, 338 & 427 IPC (Section 201 IPC, added later on) at Police Station Sarabha Nagar, District Ludhiana.

It is contended by the counsel for the petitioner that the petitioner was granted bail in this case. Thereafter, he was regularly appearing to face the proceedings of the trial court. However, on 12.06.2019 the petitioner could not appear because he was having diarrhea. Hence, the bail granted to the petitioner has been cancelled and the warrant of arrest has been issued against him. Since, apprehending his arrest, the petitioner could not appear on the next date as well. Therefore, even the PO proceedings have been initiated against him. However, final order in that regard has not been passed. It is further submitted that the petitioner does not have any intention to flee from the course of justice. The absence of the petitioner from the trial court was

for the reasons beyond his control. He intends to appear before the trial court to face further proceedings, in accordance with law. However, the only prayer is that the petitioner be protected against his arrest.

Notice of motion.

Mrs. Amarjit Kaur Khurana, DAG, Punjab, Punjab accepts notice on behalf of the State. She submits that the State has no objection to the protection being given to the petitioner, subject to the condition that he will appear before the trial court.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 10.01.2020. It is further directed that in case the petitioner so appears before the trial Court on or before 10.01.2020 then he shall be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

20TH DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No